

(3) The Commission should clarify that Part 101 allows a single station to serve an entire service area. Indeed, it already has adopted this approach for Part 101 renewal applications (§ 101.15). Alternatively, it should modify the Part 101 rules so that one blanket application is sufficient for each service area, rather than one per station, as is currently required (Id.). PCS provides a good model, authorizing blanket licenses for each market and frequency block, rather than for individual sites (§ 24.11(b)).

(4) Under Part 101, as currently worded, stations must be operational within 18 months from the time of grant (§ 101.63). However, Sky Station agrees with the Commission's tentative conclusion in the Millimeter Wave NPRM that mandatory build-out requirements for millimeter wave licensees are unnecessary because auction winners will have every incentive to use their frequencies as promptly as possible.^{16/} Id. at para. 25.

(5) Other modest changes in Part 101 would also be necessary to accommodate stratospheric LMWS. Thus, the Commission should modify Section 101.1 to include platforms in the stratosphere (but below "space"); modify Sections 101.101 and 101.109 to cover higher frequencies; and clarify that Section 101.109 allows paired 100 MHz bandwidths for stratospheric use on frequencies above 40 GHz. The Second Report and Order in the Millimeter Wave Proceeding should also resolve the band segmentation

^{16/} Alternatively but less desirably, the Commission could, as is the case for PCS, adopt reasonable five- and ten-year build-out requirements. It also should be noted that the Commission has adopted different construction requirements within the same service (in at least one case) for facilities licensed prior to the auction and facilities licensed post-auction. See §§ 21.43 (general 12-month construction period); 21.930 (replaced 12-month construction period with five-year build-out requirement).

issues between the fixed service and fixed satellite service. In addition, the Part 101 frequency table should be amended to accommodate stratospheric fixed services and to recognize that, as demonstrated in Sky Station's earlier Reply Comments, they can share only with broadcast satellite service feeder links and not with other fixed or fixed-satellite uses.

* * *

WHEREFORE, the Commission should take the steps described above.

Respectfully submitted,

SKY STATION INTERNATIONAL, INC.

By: Paul A. Mahon / *gju*
Martine Rothblatt
Paul A. Mahon
Christopher Patusky
Mahon & Patusky, Chartered
1735 Connecticut Ave., N.W.
Washington, D.C. 20009
(202) 483-4000

Its Attorneys

By: Gerard J. Waldron
Jonathan D. Blake
Gerard J. Waldron
Lee J. Tiedrich
Covington & Burling
1201 Pennsylvania Ave., N.W.
P.O. Box 7566
Washington, D.C. 20044-7566
(202) 662-6000

Its Attorneys

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CERTIFICATE OF SERVICE

I, Lorene J. Miller, hereby certify that a true copy of the foregoing "Opposition to Petition for Reconsideration" was sent by first-class mail this 27nd day of October, 1997, to the following:

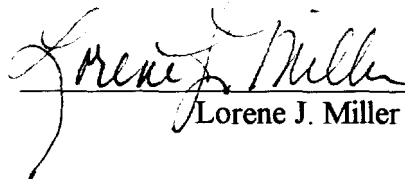
*Regina Keeney
Federal Communications Commission
International Bureau
2000 M Street, N.W.
Room 849
Washington, DC 20554

*Ruth Milkman
Federal Communications Commission
International Bureau
2000 M Street, N.W.
Room 821
Washington, DC 20554

*Thomas Tycz
Federal Communications Commission
International Bureau
2000 M Street, N.W.
Room 811
Washington, DC 20554

Martine Rothblatt
Paul A. Mahon
Christopher Patusky
Mahon Patusky & Rothblatt, Chartered
1735 Connecticut Ave., N.W.
Washington, DC 20009

Johnathan D. Blake
Gerard J. Waldron
Philip J. Rosenthal
Covington & Burling
1201 Pennsylvania Ave., N.W.
P.O. Box 7566
Washington, DC 20044-7566


Lorene J. Miller

*By Hand Delivery